

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. ) 4:05-CV-00329-TCK-SAJ  
TYSON FOODS, INC., et al, )  
Defendants. )

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THE DEPOSITION OF STEVE

BUTLER, produced as a witness on behalf of the  
Plaintiff in the above styled and numbered cause,  
taken on the 26th day of April, 2007, in the City of  
West Siloam Springs, County of Delaware, State of  
Oklahoma, before me, Lisa A. Steinmeyer, a Certified  
Shorthand Reporter, duly certified under and by  
virtue of the laws of the State of Oklahoma.

Exhibit 28

TULSA FREELANCE REPORTERS  
918-587-2878

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1 Q So let me ask you this: Where were the  
2 locations that you would've searched in order to  
3 produce documents requested by the subpoena?

4 A In my office.

5 Q Where is that office? 09:18AM

6 A It's in north of Westville, Oklahoma.

7 Q Is there an address?

8 A Yes. It's Route 1, Box 5459.

9 Q Does it have a street address for 911?

10 A No. Adair County does not have that to the 09:18AM  
11 best of my knowledge.

12 Q And who offices at that office; is that Green  
13 Country's office?

14 A That's Green Country's office.

15 Q What officers, directors, shareholders or 09:18AM  
16 employees are physically present at that location?

17 A As far as management?

18 Q Anybody.

19 A Okay. It would be myself, Jim Pigeon, Brian  
20 Burr. 09:19AM

21 Q Spell his name for the court reporter.

22 A B-R-Y-A-N I'm pretty sure and B-U-R-R. Steve  
23 Low, Danny Partain, Deborah Young and Tommy Young;  
24 they are husband and wife.

25 Q Okay. 09:19AM

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1 A It might be something along the lines of the  
2 grow-out manager wanting to meet for lunch or  
3 something to discuss an issue on the farm.

4 Q All right. Do you communicate yourself with  
5 Tyson through E-mail?

09:25AM

6 A I may have E-mailed them but it would be maybe  
7 a time or two in the last three years. I mean it's  
8 not a common occurrence.

9 Q How do you normally communicate with Tyson  
10 then?

09:25AM

11 A By telephone.

12 Q All right. Looking at Item No. 7 of the  
13 subpoena, did you produce all those records that  
14 you're required by law to maintain in the state of  
15 Oklahoma by ODAFF concerning your registered poultry  
16 feeding operation?

09:26AM

17 A To the best of my knowledge.

18 Q Are those records all kept at the office or do  
19 these individual complexes have areas where records  
20 are kept regarding their operations?

09:26AM

21 A Those records are all kept at the office.

22 Q All right, and when ODAFF inspectors annually  
23 come to see you, do they come to the office?

24 A Yes, they do.

25 Q Did you produce all documents with regard to

09:26AM

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1 records showing the disposition of poultry waste  
2 from any and all of the operations of Green Country?

3 A Yes, I did of Green Country Farms.

4 Q Let me ask you this: How do you keep -- first  
5 of all, who keeps the record of the disposition of  
6 the poultry waste when it's removed from the barns?

09:27AM

7 MR. WILLIAMS: Objection to form.

8 Q Do you physically keep those records yourself?

9 A They are in my office. Danny Partain is my  
10 operator for the litter and required courses and he  
11 actually does the filing of those.

09:27AM

12 Q So the person that actually records the amount  
13 of -- the tonnage of poultry waste removed and  
14 provided either to a commercial applicator or  
15 elsewhere, the person responsible for that is solely  
16 Danny Partain?

09:27AM

17 A Yes. I mean he is the one that does that and  
18 maintains his education courses. I also do my best  
19 to maintain education courses.

20 Q Let's get back on the subject. All I'm asking  
21 you about right now is the person that writes down  
22 the number of tons of waste that's removed from a  
23 barn and disposed of in some form or fashion. Who  
24 writes those numbers down and makes that record?

09:27AM

25 A I need to clarify as far as what timeline are

09:28AM

1 sometimes I keep it and sometimes I don't. You  
2 know, I mean --

3 Q Let's ask it this way: To the extent you had  
4 any, you produced them; is that correct?

5 A That is correct. 09:30AM

6 Q All right. Item No. 11, without me reading it  
7 to you, would you read over it real quickly and see  
8 if you produced everything it calls for?

9 A To the best of my ability I have.

10 Q All right. When you say to the best of your 09:31AM  
11 ability, is there anything that prohibits you from  
12 doing a complete search?

13 A No.

14 Q Is there anybody who restricted you in your  
15 ability to make a complete search for these 09:31AM  
16 documents?

17 A No.

18 Q No. 12, please look at that statement and see  
19 if you produced all of that information, including  
20 -- and we'll talk about electronically stored 09:31AM  
21 information also.

22 A Yes.

23 Q You have produced everything that calls for  
24 documents relating to the transaction between Green  
25 Country and Tyson on the either lease or sale of 09:32AM